

Code of
Fairfax County

MOTOR VEHICLES
AND
TRAFFIC

With amendments through July 1, 2002

CHAPTER 82 Motor Vehicles and Traffic

ARTICLE 1. In General.

Section 82-1-1. Official title.¹

The provisions of this Chapter may be known as the "Traffic Code of Fairfax County, Virginia," and may be so cited. (3-13-63; 1961 Code, § 16-1.)

Section 82-1-2. Definitions.²

(a) The following words and phrases, when used in this Chapter, shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(1) *Antique motor vehicle*. Every motor vehicle, as herein defined, which was actually manufactured, or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five (25) years prior to January 1 of each calendar year and is owned solely as a collector's item, and is used for participation in club activities, exhibits, tours, parades, and similar uses, but in no event used for general transportation, may be classified by the Commissioner as an antique motor vehicle.

(2) *Bicycle* shall include pedal bicycles with helper motors rated less than one brake horsepower, which produce only ordinary pedaling speeds up to a maximum of twenty (20) miles per hour, provided such bicycles so equipped shall not be operated upon any highway or public vehicular area of this State by any person under the age of sixteen (16) years.

(3) *Business district*. The territory contiguous to a highway where seventy-five percent (75%) or more of the total frontage, or both sides of the highway, for a distance of three hundred (300) feet or more is occupied by buildings actually in use and operation for business purposes.

(4) *Camping trailer*. Every vehicle which has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

(5) *Chapter*. The word "Chapter" as used herein shall mean and refer to this Ordinance.

(6) *Chauffeur*. Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(7) *Commission* shall mean the State Corporation Commission.

(8) *Commissioner* shall mean the Commissioner of the Division of Motor Vehicles of this State.

(9) *County* shall mean Fairfax County, Virginia.

(10) *Dealer*. Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in this County and who has an established place of business for such purpose in this County and at which place of business the books and records of such dealer are kept and at which a substantial part of the business of such dealer is conducted.

(11) *Division* shall mean the Division of Motor Vehicles of this State.

(12) *Essential parts*. All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.

¹ As to minors carrying guns on highways, see § 6-2-8.

² For similar state law, see Va. Code Ann., § 46.1-1.

(13) *Farm tractor*. Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, moving machines and other farm, agricultural or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

(14) *Financial responsibility*. Ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use or operation of a motor vehicle, in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of any one person and, subject to such limit for one person, in the amount of Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one accident, and in the amount of Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property in any one accident.

(15) *Foreign vehicles*. Every motor vehicle, trailer or semitrailer which shall be brought into the State otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in the State.

(16) *Highway*. The entire width between boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this County, including the streets, alleys and publicly maintained parking lots in the County, and for law enforcement purposes only the entire width between boundary lines of all private roads or private streets located within any residential development containing five hundred (500) or more lots.

(17) *Intersection*.

- (A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (B) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
- (C) For purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

(18) *License plate*. A device containing letters, numerals or a combination of both, attached to a motor vehicle, trailer or semitrailer to indicate that such motor vehicle, trailer or semitrailer is properly registered with the Division.

(19) *Manufacturer*. Every person engaged in the business of constructing or assembling motor vehicles, trailers or semitrailers at an established place of business in this State.

(20) *Metal tires*. All tires, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(21) *Mobile home*. Every vehicle not otherwise classified herein which has noncollapsible sides, which contains sleeping quarters and may or may not contain bathing and cooking facilities and every trailer not designed for the transportation of property but used primarily for office space and is designed to be drawn by a motor vehicle.

(22) *Motorcycle*. Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, except any such vehicle as may be included within the term "farm tractor" as defined in this Section.

(23) *Motorhome*. Every private motor vehicle with a normal seating capacity of not more than ten (10) persons, including the driver, designed primarily for use as living quarters for human beings.

(24) *Motor vehicle*. Every vehicle as defined in this Section which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office of commercial space, shall be considered a part of a motor vehicle. For the purpose of this Chapter, any device herein defined as a bicycle shall be deemed not to be a motor vehicle.

(25) *Nonresident*. Every person who is not domiciled in this State, except:

- (A) Any foreign corporation which is authorized to do business in this State by the State Corporation Commission shall be deemed a resident of this State for the purpose of this Chapter; provided, however, that in the case of corporations incorporated in this State but doing business without the State, only such principal place of business or branches located within this State shall be dealt with as residents of this State.
- (B) A person who becomes engaged in a gainful occupation in this State for a period exceeding sixty (60) days, shall be deemed a resident for the purposes of this Chapter. A person other than a nonresident student as defined in paragraph (20) of this Section who has actually resided in this State for a period of six (6) months, whether employed or not, or who has registered a motor vehicle, listing an address within this State in the application for registration, shall be deemed a resident for the purposes of this Chapter.

(26) *Nonresident student*. Every nonresident person who is enrolled as a full-time student in an accredited institution of learning in this State and who is not gainfully employed.

(27) *Operation or use for rent or for hire, etc.* The terms operation or use for rent or for hire, and the term business of transporting persons or property, wherever used in this title, shall mean any owner or operator of any motor vehicle, trailer or semitrailer operating over the highways of this State who accepts or receives compensation for the service, directly or indirectly; but such terms shall not be construed to mean a "truck lessor" as defined herein.

(28) *Operator*. Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(29) *Owner*. A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this Chapter as are applicable to vehicles operated for compensation; provided, however, that a "truck lessor" as defined in Code of Virginia, Section 46.2-100(36), shall be regarded as the owner, and his vehicles shall be subject to such requirements of this Chapter as are applicable to vehicles of private carriers.

(30) *Peace or police officer*. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(31) *Person*. Every natural person, firm, partnership, association or corporation.

(32) *Pickup or panel truck*. Every motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.

(33) *Pneumatic tires*. All tires inflated with compressed air.

(34) *Private road or driveway*. Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(35) *Reconstructed vehicle*. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(36) *Rescue vehicle*. The term "rescue vehicle" is defined as any vehicle designed or utilized for the principal purposes of supplying resuscitation or other emergency relief where human life is endangered.

(37) *Residence district*. The territory contiguous to a highway not comprising a business district where seventy-five percent (75%) or more of the total frontage, on both sides of the highway, for a distance of three hundred (300) feet or more is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

(38) *Road tractor*. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(39) *Roadway* shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or unpaved area.

(40) *Safety zone*. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(41) *School bus*. Any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is:

- (i) Designed and used primarily for the transportation of pupils to and from public, private or parochial schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; and
- (ii) Painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and
- (iii) Is equipped with warning devices prescribed in Section 46.2-1090, Code of Virginia. School buses manufactured prior to July 1, 1974, may continue to have the words "Stop, State Law" in black letters of specified size on front and rear.

(42) *Semitrailer*. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(43) *Shoulder* shall mean that part of a highway between the portion regularly travelled by vehicular traffic and the lateral curb line or ditch.

(44) *Solid rubber tires*. Every tire made of rubber other than a pneumatic tire.

(45) *Specially constructed vehicles*. Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as defined in this Section.

(46) *Street*. Such term shall have the same meaning as the term "highway," as defined in this Section.

(47) *Superintendent* shall mean the Superintendent of the Department of State Police of this State.

(48) *Tractor truck*. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

(48.1) *Traffic infraction* shall mean any violation of any provision of this Chapter, or of any rules or regulations established thereunder, not expressly defined as a felony or misdemeanor, and otherwise not punishable by incarceration or by a fine of more than One Hundred Dollars (\$100.00). The term "traffic infraction", used in any other Chapter of this Code, or in any rule or regulation adopted pursuant to any provision of this Chapter, shall have this same meaning and effect.

(49) *Traffic lane or lane.* shall mean that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

(50) *Trailer.* Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

(51) *Truck.* Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a gross weight in excess of seven thousand five hundred (7,500) pounds.

52) *Truck lessor.* A person who holds the legal title to any motor vehicle, trailer or semitrailer which is the subject of a bona fide written lease for a term of one (1) year or more to another person, provided that:

(A) Neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in *Code of Virginia*, Section 56-273; and

(B) The leased motor vehicle, trailer or semitrailer is used exclusively for the transportation of property of the lessee; and

(C) The lessor is not employed in any capacity by the lessee; and

(D) The operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and

(E) A true copy of such lease, verified by affidavit of the lessor, is filed with the Commissioner

(53) *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks and except any vehicle as may be included within the term bicycle as herein defined. (3-13-63; 1961 Code, § 16-2; 37-76-82; 9-78-82; 34-78-82; 19-79-82; 26-81-82; 30-89-82.)

Section 82-1-3. Enforcement by County officers; officers to be uniformed.³

(a) Every police officer shall enforce the provisions of this Chapter; provided that such officer shall be uniformed at the time of such enforcement or shall display his badge, or other sign of authority; and provided further, that all officers making arrests incident to the enforcement of this Title shall be paid fixed and determined salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this Title.

(b) With the consent of the landowner, any such officer or other uniformed employee of the police department may patrol the landowner's property to enforce State or County motor vehicle registration and licensing requirements.

(c) Any law enforcement officer may patrol the streets and roads within subdivisions of real property or within land submitted to a horizontal property regime pursuant to *Code of Virginia*, Chapter 4.1 (§ 55-79.1 et seq.) or 4.2 (§ 55-79.39 et seq.) of Title 55, which streets and roads are maintained by the owners of the lots or parcels of land within any such subdivision or the owners of condominium units within any such horizontal property regime or any association of such owners, to enforce the provisions of *Code of Virginia*, Chapters 1 through 4 (§§ 46.1-1 through 46.1-347) of Title 46.1³. (3-13-63; 1961 Code, § 16-3; 37-76-82; 26-81-82.)

ARTICLE 4. Regulation of Traffic.

Division 2. Rules of the Road.

Section 82-4-30. Where operation of motorcycles prohibited.

a) It shall be unlawful in Fairfax County for any person to ride, drive or operate any validly licensed and registered motorcycle on the sidewalks of this County, on any County property or other publicly owned property except for motorcycles owned by the Police Department and used by policemen in furtherance of their duties;

³ **Editor's Note**--Former Sections 46.1-1-1--46.1-347 are now found in Subtitles I--III of Title 46.2, Chapter 2.

provided, that any person may operate such a motorcycle on public driveways and highways unless otherwise prohibited by law.

- (b) It shall be unlawful in Fairfax County for any person to operate any motorcycle which does not comply with the State and County registration and licensing requirements on the public highways, on the sidewalks of the County, or on the driveways or premises of the County or other publicly-owned property open to the public including but not limited to a school, recreational facility and/or business property.
- (c) It shall be unlawful in Fairfax County for any person to operate any motorcycle, unless authorized by the owner of the property or his agent, on the driveways or premises of any privately-owned property including but not limited to a school, church, recreational facility, business property or other privately-owned area.
- (d) If the owner of any privately-owned property under (c) of this Section desires enforcement upon his property of the provisions of this Section he or his agent shall notify the Chief of Police in writing of his desire and the owner or his agent shall post notices on the owner's property adequate to inform the public that operation of such vehicles upon the property is unlawful. Whenever notices are posted on the property in accord with the requirements of this Section, there shall be a prima facie presumption that the owner has complied with the required written notification to the Chief of Police.
- (e) Where any officer with the enforcement of the motor vehicle laws of the State of Virginia or the County of Fairfax arrests any person and charges him with a violation under this section, he may seize any motorcycle which does not comply with the State or County registration or licensing requirements and deliver the same to the Chief of Police, or his designee, and the vehicle shall be held by the Chief of Police or his designee until the charge is disposed of by the court having jurisdiction, provided seizure shall not be made on any such unlicensed or unregistered motorcycle operated on private property unless the owner of such property complies with the notice requirements of this Section. In disposing of the charge, the court shall order the vehicle returned to its owner. When any person has been convicted of a second or subsequent violation of this Section, the Court may order such vehicle held by the Chief of Police or his designee for a period not to exceed ninety (90) days.
- (f) A violation by any persons of any provision of this Section shall be a misdemeanor and, in addition to seizure of the vehicle as provided for in (e) of this Section, the penalty imposed shall be as provided for in Section 82-1-35 of this Code, with the exception that the penalty imposed on any person convicted of operating any motorcycle on the sidewalks of the County shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) ((1961 Code, § 16-89.1; 3-75-16; 37-76-82; 16-77-82; 34-78-82.)

ARTICLE 5. Stopping, Standing and Parking.⁴

Section 82-5-1. Parking prohibited in specified places.⁵

- (a) No person shall park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
 - (1) On a sidewalk;
 - (2) In front of, or within ten (10) feet to either side of, a public or private driveway;
 - (3) Within an intersection;
 - (4) Within fifteen (15) feet of a fire hydrant located on private or public property or within a fire lane as defined in Chapter 62 (Fire Protection), of the Code of the County of Fairfax;
 - (5) On a crosswalk;
 - (6) Within twenty (20) feet of a crosswalk at an intersection;

⁴ As to County parking regulations, see the Zoning Chapter of this Code.

⁵ For state law as to County parking regulations, see Va. Code Ann., § 46.2-1224. For state law as to parking in prohibited places, see Va. Code Ann., § 46.2-1229.

- (7) Within thirty (30) feet upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad grade crossing;
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (12) On the roadway side of any vehicle parked at the edge or curb of the street;
- (13) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;
- (14) At any place where official signs prohibit parking;
- (15) Repealed; or
- (16) So as to prevent the use of curb ramps located on public property or on privately owned property open to the public.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle or shift, change or move the levers, brake, starting device, gears, or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (3-13-63; Code, § 16-121; 14-74-16; 37-76-82; 38-76-82; 28-80-82; 17-83-82; 34-84-82; 31-91-82; 49-93-82; 18-97-82.)

Section 82-5-2. Snow emergency routes; parking or impeding traffic on snow routes during snow.⁶

In the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind or storm or the threat thereof, it shall be unlawful for any person to park any vehicle on any highway or street hereinafter designated as a snow emergency route or to obstruct or impede traffic on any such highway or street by reason of the failure to have any vehicle operated thereon equipped with adequate snow tires or chains. (12-12-62; 1961 Code, § 16-121.1.)

Section 82-5-3. Snow emergency routes designated; posting of signs.

Snow emergency routes are those highways or streets designated as snow emergency routes by Appendix K of the Fairfax County Code. All snow emergency routes shall be posted with appropriate signs indicating their designation as snow emergency routes. Such signs shall be placed not more than five thousand feet apart in either direction. (12-12-62; 4-12-67; 1-10-68; 1961 Code, § 16-121.2; 13-78-82; 3-97-82.)

Section 82-5-4. Police Department to remove parked vehicles on snow routes; fines.

- (a) In the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind or storm or the threat thereof the County Police Department is hereby authorized to remove or cause to be removed any vehicle that is stalled, stuck, parked or abandoned on or along any highway or street designated as a snow emergency route. The owner or operator of any such vehicle shall be required to pay, in addition to any fine, the reasonable charges for such removal or storage.
- (b) Any person convicted of violating the provisions of this Section or Section 82-5-2 shall be punished by a fine not to exceed Twenty-five Dollars (\$25.00). (12-12-62; 1961 Code, § 16-121.3.)

Section 82-5-5. Designation of certain highways as play areas.

The Chief of Police is hereby authorized to designate certain highways or portions thereof within the County as play areas for sledding and similar recreational activities. Before making such designation the Chief of Police shall obtain the written approval of all property owners or tenants whose sole access is from or through the proposed portion of the highway to be closed for sledding or similar recreational activities. The Chief of Police shall cause appropriate barricades to be erected and notice posted on such designation within the area and shall further notify the resident

⁶ As to snow emergency routes, see § 82-5-3.

engineer of the State Department of Highways for the County. The Chief of Police shall also notify the resident engineer when the designation of the highways is terminated. No primary highway or portion thereof shall be so designated by the Chief of Police. (2-24-65; 1961 Code, § 16-121.4.)

Section 82-5-6. Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area contiguous or adjacent to a street, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle or for any person to stop, stand or park any vehicle in such lot or lot area. (3-13-63; 1961 Code, § 16-122.)

Section 82-5-6.1. Parking commercial motor vehicles used to transport municipal solid waste on private property.

No commercial motor vehicle used to transport municipal solid waste shall be parked on property within the County except at locations authorized for such use by the zoning ordinance. For the purposes of this section, "commercial motor vehicle" shall have the meaning prescribed in Va. Code § 46.2-341.4 and "municipal solid waste" shall have the meaning prescribed by the Virginia Waste Management Board by regulation at 9 VAC 20-80-10. This prohibition shall not apply to any vehicle owned or operated by persons transporting municipal solid waste from their residences to a permitted transfer or disposal facility. The County Police Department may direct the removal or towing of any such vehicle found parked in violation of this section pursuant to the procedures established in subsections (a)(2), (a)(4)--(5) and (e)--(k) of section 82-5-32. Violation of this section shall be punishable as a traffic infraction, in addition to any towing and storage charges that may be assessed. (37-01-82.)

Section 82-5-7. Parking commercial vehicles in residential districts.

- (a) No person shall park any motor vehicle, trailer or semitrailer on or adjacent to the highways of the County when such person parks any such motor vehicle, trailer or semitrailer for commercial purposes. The provisions of this subsection shall not apply to motor vehicle carriers when picking up or discharging passengers.
- (b) No person shall park any commercial vehicle on the highways of the County in areas zoned for residential use. However, one resident of each single-family dwelling unit zoned for residential use may park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon, and the provisions of this Subsection do not apply to a commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

For the purposes of this Subsection, the following terms have the meanings ascribed to them below:

Commercial vehicle includes: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iii) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; and (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine.

Areas zoned for residential use includes all areas of the County which have been zoned to a zoning classification which permits one or more residential dwelling units. The zoning boundaries shall be used in the enforcement of the requirements of this Subsection. However, in any case in which a highway serves as the boundary between an area zoned for residential use and an area zoned for another use, then the centerline of that highway shall be considered as the boundary between the area zoned for residential use and the area zoned for another use. In such cases, the prohibitions of this Subsection shall apply only to the side of the highway that abuts the area zoned for residential use. (3-13-63; 1961 Code, § 16-122.1; 2-79-82; 47-86-82; 30-97-82.)

Section 82-5-29. Removal and disposition of certain unattended vehicles; sale, disposition of proceeds.⁷

- (a) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten (10) days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within any such county, city or town, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer, or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof.
- (b) The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify such county, city or town against any loss or expense incurred by reason of removal, storage or sale thereof.
- (c) It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if: (A) it lacks either: (1) a current license plate, or (2) a current county, city or town, plate or sticker, or (3) a valid state inspection certificate or sticker; and (B) it has been in a specific location for four (4) days without being moved.
- (d) Each removal shall be reported immediately to the Chief of Police and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.
- (e) The owner of such vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the cost or should the identify or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last-known address and to the holder of any lien of record in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, trailer or semitrailer, the officer designated by the Chief of Police may, after holding the motor vehicle, trailer or semitrailer forty (40) days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the Chief to the County Treasurer, provided that if the value of such motor vehicle, trailer or semitrailer be determined by three (3) disinterested dealers or garagemen to be less than One Hundred Fifty Dollars (\$150.00) it may be disposed of by private sale or junked. The Treasurer or similar officer shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens and notices of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.
- (f) If no claim has been made by the owner for the proceeds of such sale, the remaining funds may be deposited to the general fund or any special fund of the County.
- (g) Any such owner shall be entitled to apply to the County within three (3) years from the date of such sale; and if timely application is made therefor, the County shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale.
- (h) This Section shall not operate to deprive any person of other remedies available under law to obtain payment from the owner of unattended, abandoned or immobile vehicles for towing, storage or other services rendered.

⁷ For authority of the county to adopt this Section, see Va. Code Ann., § 46.2-1213. This Section pertains to towing ordered by the jurisdiction, a law enforcement officer, or other official representing the County.

- (i) The Division of Motor Vehicles of the Commonwealth of Virginia shall be notified of the disposition of any motor vehicle, trailer or semitrailer under this Section.
- (j) Any person who shall violate, permit, or suffer or allow anyone to violate any provisions of Section 82-5-29 shall be punished as provided in Section 82-1-32. (3-13-63; 1961 Code, § 16-133; 37-76-82; 26-81-82; 24-84-82; 34-86-82.)

Section 82-5-29.1. Cars parked in certain restricted spaces.

The nonhandicapped operator of a motor vehicle parked in parking spaces reserved for the handicapped at privately owned shopping centers and business offices may be issued a summons without the necessity of a warrant being obtained by the owner of such property. (37-76-82.)

Section 82-5-31. Contracts with private persons for removal of vehicles under Section 82-5-29.

- (a) In order to carry out the provisions of this Chapter and to provide for the safety and welfare of the motoring public, the County Executive may enter into agreements with any person providing wrecker and storage services for motor vehicles if such person meets the following requirements:
 - (1) Ability to respond promptly to police calls twenty-four (24) hours a day;
 - (2) Adequate storage facilities;
 - (3) Adequate wrecker equipment with experienced personnel and capability of maintaining a well managed and efficient business operation;
 - (4) Adequate liability, theft and hazard insurance to cover motor vehicles which are towed and stored, when such insurance is available at reasonable rates;
 - (5) Provide a schedule of reasonable rates for wrecker and storage services, which shall be adhered to until the County Executive has been provided with a revised schedule of rates;
 - (6) Adequate safekeeping for the contents of motor vehicles; and
 - (7) Such other requirements as the County Executive may prescribe which are consistent with or implement the purposes of this Section.
- (b) The County Executive shall maintain a current list of all persons with whom the County has entered into agreements. Whenever wrecker services are requested, the person on such list closest to the place where the services are needed and capable of providing the services required shall be dispatched. If such person does not then have a wrecker available for prompt service, the person on the list next closest to the place where the services are required shall then be called, and this procedure shall be continued until wrecking services have been obtained. This procedure may be deviated from when unique circumstances so require and when there will be no unreasonable discrimination in favor of or against persons with whom the County has entered into agreements.
- (c) Any person who has entered into an agreement with the County may, after ten (10) days' notice, terminate an agreement. The County Executive, after ten (10) days' notice and an opportunity for a hearing, may terminate an agreement if a person has failed to comply with the requirements set forth in Subsection (a). No new agreement may be entered into with such persons sooner than fifteen (15) days from the date the previous agreement was terminated.
- (d) Except where emergency circumstances otherwise require, nothing in this Section shall be construed as interfering with the right of anyone to obtain wrecker or storage services of his own choice.
- (e) If the County Executive determines that the provisions of this Chapter and the safety and welfare of the motoring public would be better served, he may, in lieu of the agreement process described above, divide the County into districts and utilize the competitive procurement process to obtain wrecker and storage services. In making such determination, the County Executive shall take into consideration the efficiency of wrecker and storage services and the charges made to users of such services.

- (f) The County Executive may delegate the authority conferred on him by this Section, except for the determination referred to in Subsection (e). (3-13-63; 1961 Code, § 16-134; 8-73-16; 16-97-82.)

Section 82-5-32. Removal and disposition of vehicles unlawfully parked on private or County property.

- (a) It shall be lawful for any owner, operator, lessee, or authorized agent of the one having control of the premises of any parking area or space therein or part thereof, or of any other lot or building, including the County, to have any motor vehicle occupying such lot, area, space or building or part thereof without the permission of such owner, operator, or authorized agent of the one having control of such premises removed by towing or otherwise to a storage site which meets the requirements of this Section until called for by the owner or his agent; provided, that the following conditions are met:
- (1) A property owner shall erect and maintain a permanent sign, readable during daytime and nighttime hours, conspicuously posted at all entrances or otherwise so located as to be visible to any person parking a vehicle on the property, notifying the public of parking restrictions and that towing is enforced. The signs must have wording that indicates "private property," "reserved parking," or otherwise reasonably informs the public of parking restrictions and that towing of vehicles may occur. The words "If towed, call 691-2131" must be affixed to the front of each sign; provided, however, that the requirement for signs shall not apply on any property used at the time of removal for one (1) single-family residence or one (1) two-family residence.
 - (2) A tow truck operator who tows a trespassing vehicle, parked in violation of the posted parking restrictions, from private or County property shall immediately notify the Fairfax County Public Safety Communications Center (PSSC); provided, however, whenever a vehicle is towed from locations within the Town of Herndon or the Town of Vienna, the tow truck operator shall notify the law enforcement agency in that jurisdiction. It shall be unlawful to fail to report such tow as required by this Section, and violation of the reporting requirement of this Section shall constitute a traffic infraction punishable by a fine of not more than One Hundred Dollars (\$100.00). Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one (1) day of storage and safekeeping. The tow truck operator shall inform the law enforcement agency personnel of: (i) the name of the tow truck operator and the tow company removing the vehicle; (ii) the make, model, color, year, vehicle identification number and the license plate of the towed vehicle; (iii) the address the vehicle was towed from; (iv) the time that the vehicle was towed; and (v) the storage site where the vehicle is located.
 - (3) The property owner, operator or lessee has directly or through an agent, expressly authorized the towing of the particular vehicle, or has by a written agreement or contract, delegated to a tow company and such company's tow truck operators, the authority to make the decision to remove a trespassing vehicle without express authorization. For each vehicle towed, a tow company shall maintain, for a period of six (6) months, a record of the authorization to tow, including: (i) the information required to be provided to the PSSC or other state or local law enforcement agency pursuant to subsection (a)(2) of this Section; (ii) the reason for the tow; (iii) the name, address, telephone number and authority of the person authorizing the tow, and that individual's signature, if expressly authorized; or (iv) reference to the written agreement delegating authority to the tow company and its tow truck operators to tow vehicles from the premises.
 - (4) Notwithstanding the foregoing provisions of this Section, if the owner or operator of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee; if the towing vehicle has been connected to the trespassing vehicle, the trespassing vehicle shall not be towed, but the owner or operator of the trespassing vehicle shall be liable for a reasonable fee, not to exceed Twenty-five Dollars (\$25.00), in lieu of towing, provided that the owner or operator of the trespassing vehicle forthwith removes the trespassing vehicle from the premises.
 - (5) In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee, or other authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to

be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the vehicle or wheel. The charge for removal of such device shall not exceed Twenty-five Dollars (\$25.00).

- (6) In lieu of having such vehicle removed by towing or otherwise, or causing the vehicle to be immobilized, the owner, operator, lessee or other authorized agent of the premises on which the trespassing vehicle is parked may request that a duly authorized local government official or law enforcement officer issue, on the premises, a notice of the violation of a parking ordinance to the registered owner of the vehicle.
- (b) This Section shall not apply to police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.
- (c) The provisions of this Section shall not be construed to prohibit vehicles from being towed when otherwise permitted by law.
- (d) A tow truck operator shall not tow a motor vehicle from private property unless the property owner has, directly or through an agent, expressly authorized the towing of the particular vehicle. However, a tow company or tow operator, to whom the authority to make the decision to remove a trespassing vehicle has been delegated by the property owner or the owner's agent, may remove the trespassing vehicle at any time. Such operator must comply with all the requirements of this Article. A tow company or tow truck operator to whom the authority to make a decision to remove a trespassing vehicle has been delegated, shall not tow or remove a vehicle from private property unless the vehicle is parked in violation of restrictions posted on the sign required by subsection (a) of this Section.
- (e) Every site to which trespassing vehicles are towed shall comply with the following requirements:
 - (1) A tow truck operator must tow each vehicle to a storage site located within the boundaries of Fairfax County.
 - (2) A storage site shall be lighted during the hours of darkness to afford distinct visibility to all portions of the facility.
 - (3) A towed vehicle shall not be stored more than a reasonable walking distance from the area where towing and storage fee payments are received.
 - (4) The tow operator shall exercise reasonable care to keep the towed vehicle and its contents secure at all times.
 - (5) Personal property in the vehicle must be released in accordance with State law.
 - (6) No tow truck operator may take a vehicle to a storage lot which does not meet these standards:
 - (A) Whenever a storage lot is closed, a conspicuous sign must be posted at the entrance of the storage lot which provides instructions and a local telephone number for obtaining release of a vehicle when the lot is not open;
 - (B) The local telephone number posted in the notice required by the preceding subsection shall be answered twenty-four (24) hours a day; and
 - (C) The towed vehicle shall be available for release within two (2) hours from the time the owner calls for the vehicle.
- (f) All towing companies engaged in the business of towing vehicles from private property without the consent of the vehicle owner shall register with the Department of Consumer Affairs. Such registration shall contain the following information:
 - (1) Name, business address and telephone number of the towing company; and
 - (2) Address of each storage site to which trespassing vehicles are towed.

- (g) Every tow company which engages in the towing of trespassing vehicles shall prominently display at its main place of business a comprehensive list of all its fees for towing, recovery and storage services and the company's normal business hours. A tow operator shall not collect from the owner of a towed vehicle charges in excess of those posted.

This section shall not apply to vehicles towed, stored, or both towed and stored at the request of a law enforcement officer.

- (1) The maximum fees allowed to be charged are:
- (A) Initial hookup and tow fee not to exceed Fifty Dollars (\$50.00).
 - (B) Vehicle storage at a rate not to exceed Twenty-five Dollars (\$25.00) for up to the first twenty-four-hour period and shall not exceed twenty-five dollars (\$25.00) for each subsequent twenty-four-hour period or any portion thereof for the safekeeping of vehicles or trailers.
 - (C) Release fees may be charged for vehicles claimed by the owner after normal business hours. No release fee may be more than Fifteen Dollars (\$15.00). No other fees for release or administration may be charged.
- (2) Towers may not charge additional fees for the use of a cable, flatbed, or dolly. Fees for extensive and unusual recovery and towing operations, including but not limited to the use of specialty equipment, may be charged at a reasonable rate.
- (3) In all cases where a fee is paid, the tow truck company must provide the vehicle owner with a receipt that bears the complete name and address and telephone number of the tow truck company. Such receipt shall itemize all fees assessed in the towing, storage, and release of said vehicle. Such receipt shall include a printed notice stating that towers shall agree to mediate all complaints submitted to the Department of Consumer Affairs for resolution.
- (h) A tow company or tow truck operator shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.
- (i) A tow company shall prominently display at the storage site, in a conspicuous place in that portion of the premises normally issued for receipt of payment, a sign which is readily noticeable and readable. The sign shall be furnished by the Department of Consumer Affairs, listing the Department's telephone number and informing consumers that they may contact the Department for assistance.
- (j) A tow company or tow truck operator shall neither offer nor give any rebate, payment, or other compensation to a property owner or other person contracting for, authorizing or requesting the towing or removal of a vehicle.
- (k) Except as otherwise provided by this Section, any violation of Fairfax County Code § 82-5-32 shall be punishable as a Class 3 misdemeanor. (3-13-63; 1961 Code, § 16-135; 34-78-82; 19-79-82; 30-89-82; 1-94-82, § 1.)

ARTICLE 5A. Residential Permit Parking Districts.⁸

Section 82-5A-1. Purpose and intent.

In order to reduce or prevent congestion and/or hazardous traffic conditions in residential areas, to protect those areas from polluted air, excessive noise, and other adverse environmental impacts of automobile commuting, to protect the residents of these areas from unreasonable burdens in gaining access to their property, to preserve the

⁸ For authority of the County to adopt this Chapter, see Va. Code Ann., §§ 46.2-1220, 46.2-1222.

residential character of these areas and the property values therein, Residential Permit Parking Districts are created to impose on-street parking restrictions in certain designated areas of the County on public streets other than primary highways. ((34-83-82; 3-85-82.))

Section 82-5A-2. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

- (a) Residential area shall mean that side of any street, road or highway adjacent to property used exclusively as a residence or contained in any one of the residential (R) districts set forth in the Zoning Ordinance, Chapter 112 of this Code.
- (b) Block shall mean that land abutting on one (1) side of a street, extending to the rear lot lines of lots fronting on said street, and for parcels of land extending through to another street, to a line midway between the two (2) streets and lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or unsubdivided acreage or center line of any drainage channel thirty (30) feet or more in width.
- (c) Proper display--Decal. Residential Permit Parking decal shall be displayed in the lower left corner of the rear window of the vehicle issued to. The decal must be adhered to the window and may not be taped on to the window or displayed in any manner which may allow the transfer of the decal to another vehicle. If the vehicle does not have a rear window or is legally obscured (i.e. louvers), the decal may be displayed on the driver's side on the lower right corner of the window furthest to the rear of the vehicle. Any alteration of the decal (i.e. district number changed and/or serial number changed) shall deem the permit invalid.
- (d) Proper display--Motorcycle sticker. The Residential Permit Parking District motorcycle sticker shall be displayed beside the State inspection sticker and the County motorcycle license on the motorcycle front fork. Any alteration to the sticker (i.e. change to the district number and/or serial number) shall deem the permit invalid.
- (e) Proper display--Visitor/thirty-day new resident/nonresident owner pass. The Residential Permit Parking District Visitor/30-Day New Resident/Nonresident Owner Pass shall be displayed on the vehicle dashboard so that the pass and all of the information displayed on the pass is entirely visible through the vehicle windshield. Any alterations to the pass including changes to the address the pass is issued to and/or to the district number shall deem the pass invalid. Any obscuring of information displayed on the pass (i.e. folding under the address issued to) shall also deem the pass invalid. (34-83-82; 3-85-82; 4-93-82; 31-00-82.)

Section 82-5A-3. District designation.

Residential Permit Parking Districts shall be as designated, on a block-by-block basis, on the Official Residential Permit Parking Map and as set forth in Appendix G of this Code. (34-83-82; 3-85-82.)

Section 82-5A-4. Criteria for the establishment of Districts.

- (a) The Board of Supervisors may establish a Residential Permit Parking District encompassing an area within two thousand (2,000) feet walking distance from the pedestrian entrances of an existing or proposed high school or two thousand (2,000) feet walking distance from the pedestrian entrances of an existing or proposed rail station if:
 - (1) The Board of Supervisors receives a petition requesting the establishment of such a District;
 - (2) Such petition contains signatures representing at least sixty percent (60%) of the eligible addresses of the proposed District and representing more than fifty percent (50%) of the eligible addresses on each block of the proposed District or, in the case of private-street townhouse and multi-family dwelling units, such

petition contains signatures representing at least sixty percent (60%) of the eligible addresses as defined in Section 82-5A-4.1; and

- (3) The Board of Supervisors determines that at least seventy-five percent (75%) of the land abutting each block within the proposed District is developed residential.
- (b) In addition, in any residential area of the County, the Board of Supervisors, upon receipt of a petition representing at least sixty percent (60%) of the eligible addresses of a proposed District and representing more than fifty percent (50%) of the eligible addresses on each block of the proposed District, may establish a Residential Permit Parking District upon a determination that:
 - (1) The proposed District contains a minimum of one hundred (100) contiguous or nearly contiguous on-street parking spaces, twenty (20) linear feet in length per space; and
 - (2) At least seventy-five percent (75%) of the land abutting each block within the proposed District is developed residential; and
 - (3) At least seventy-five percent (75%) of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least fifty percent (50%) of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a survey taken during the hours of peak demand as determined on a District-by-District basis.

The Board of Supervisors may waive the requirement for one hundred (100) contiguous or nearly contiguous on-street parking spaces as set forth above if the Board finds that the proposed District meets the purpose and intent of this Article.

- (c) The criteria that must be met and the procedures that must be followed to amend the provisions of an existing Residential Permit Parking District shall be the same as those specified in this Article for establishment of a new District, except that in the case of an amendment expanding an existing District, the foregoing provisions of this Section shall apply only to the area to be added to the existing District, except that the area to be added to an existing District need not contain a minimum of one hundred (100) contiguous or nearly contiguous on-street parking spaces. (34-83-82; 3-85-82; 9-95-82; 31-00-82.)

Section 82-5A-4.1. Residence eligibility for District inclusion.

In order for a residential address to be considered for inclusion in a new or existing Residential Permit Parking District, the following conditions must be met:

- (a) Single-family detached and/or duplex. Single-family detached and/or duplex dwelling units must have an address on a public street in order to be included in a Residential Permit Parking District. Residences on corner lots which abut a Residential Permit Parking District street, but do not have addresses on the street, are also eligible for inclusion in the abutting Residential Permit Parking District.
- (b) Attached single-family/townhouse. Attached single-family/townhouse dwelling units are eligible for inclusion in a Residential Permit Parking District if they have addresses on a public street within a Residential Permit Parking District. Attached single-family/townhouse units also shall be eligible to obtain permits when their addresses are on a private street, subject to the following conditions:
 - (1) The private street has direct access from a public street included in the Residential Permit Parking District.
 - (2) The purpose of said public street is solely to serve as access to the attached single-family/townhouse community and the configuration of the public street does not allow for through traffic and, hence, the public street is not available to the general public for through access, and the public street connects with only one (1) through public street (allowing for a loop configuration).

- (3) The attached single-family/townhouse dwelling units have addresses which are within seven hundred (700) feet of a public street included in a Residential Permit Parking District.

In addition to the above, any attached single-family/townhouse units with addresses on a private street shall be eligible to obtain permits when such addresses are within one hundred (100) feet of a public street included in a Residential Permit Parking District.

- (c) Multifamily dwelling units. Multifamily dwelling units are eligible for inclusion in a Residential Permit Parking District if they have addresses on a public street within a Residential Permit Parking District. Multifamily dwelling units also shall be eligible to obtain permits when their addresses are on a private street, subject to the following conditions:

- (1) The private street has direct access from a public street included in the Residential Permit Parking District.
- (2) The purpose of said public street is solely to serve as access to the multifamily dwelling units and the configuration of the public street does not allow for through traffic and, hence, the public street is not available to the general public for through access, and the public street connects with only one (1) through public street (allowing for a loop configuration).
- (3) The multifamily dwelling units have addresses which are within seven hundred (700) feet of a public street included in a Residential Permit Parking District.

In addition to the above, any multifamily dwelling units with addresses on a private street shall be eligible to obtain permits when such addresses are within one hundred (100) feet of a public street included in a Residential Permit Parking District. (17-85-82; 1-88-82; 31-00-82.)

Section 82-5A-5. Submission requirements.

Every petition, as required by Section 82-5A-4 above, shall be submitted to the Department of Transportation on forms provided by the County and shall include the following:

- (a) The legible name, address, telephone number and signature of the residents, one (1) signature per address.
- (b) The required percentage of signatures as specified in Section 82-5A-4.
- (c) The hours during which on-street parking is impacted by commuter parking.
- (d) Unless otherwise waived or modified by the Board of Supervisors, the application fee for the establishment or expansion of a Residential Permit Parking District shall be Ten Dollars (\$10.00) per petitioning address, and the fee for the application to amend the provisions of an existing District, other than to expand it, shall be Two Dollars (\$2.00) per petitioning address. (34-83-82; 3-85-82; 31-00-82.)

Section 82-5A-6. Procedures for the establishment of Districts.

- (a) Upon receipt of any petition, the petition addresses shall be validated using the current real estate assessment books. If it is determined that the petition does not meet the standards set forth in Section 82-5A-5 above, the application shall not be deemed to be accepted and shall be returned to the applicant.
- (b) Upon validation of the petition addresses, staff shall review the application and conduct a parking survey if applicable to determine if the provisions of Section 82-5A-4 above are met.
- (c) All proposed applications which are accepted shall be the subject of a public hearing before the Board of Supervisors in accordance with the provisions below:

- (1) Public notice of any hearing held shall be published once a week for two (2) successive weeks in a local newspaper having general circulation in the County. The second publication shall not be sooner than one (1) calendar week after the first publication, and the public hearing shall be held not less than six (6) days nor more than twenty-one (21) days after the second advertisement shall appear in such newspaper. Such notice shall contain a description of the application and the date, time and place of the hearing at which persons affected may appear and present their views. The subject of the public hearing need not be advertised in full but may be advertised by reference. Such advertisement shall contain a reference to the place or places within the County where copies of the subject of the public hearing may be examined.
- (2) The County shall, simultaneously with the advertisement specified in Paragraph (1) above, post on the land involved in any application a notice of the public hearing. Said notice(s) shall be removed no later than seven (7) days after the conclusion of the last hearing to which they pertain. Said notice shall be posted at reasonable intervals along every street in the proposed District. Said notice shall contain the date, location and time of the public hearing, a description of the application, and such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained. With the permission of the owner, said notice may be placed on private property if such is necessary to provide adequate posting.
- (3) The County shall send written notice to all owner(s) of property within the proposed District and in the areas adjacent thereto. In the areas adjacent thereto, notice shall be sent to the owners of a minimum of twenty-five (25) different properties. Such written notices shall set the date, time, place and subject matter of the hearing and shall be sent by first class mail, postmarked at least fourteen (14) days before the day of the hearing, to the last-known address of the owner(s) as shown on the current real estate assessment book. (34-83-82; 3-85-82; 9-95-82; 31-00-82.)

Section 82-5A-7. Adoption and effective date.

Upon approval by the Board of Supervisors of a Residential Permit Parking District, the District shall be deemed to be adopted and shall become effective in accordance with the following provisions:

- (a) A permit shall be requested from the Virginia Department of Highways and Transportation to allow the placement of signs designating the restriction of parking on certain streets within the Virginia Secondary System of State Highways.
- (b) Upon receipt of an approved permit, staff shall send notification to each address within the approved District. Such notification shall include:
 - (1) Notice that approval for the District has been given;
 - (2) The date upon which the District will be effective;
 - (3) The specific rules and regulations for the approved District, to include the hours when parking will be restricted;
 - (4) The procedures for obtaining parking permits, and the location of the County office where the permits may be obtained. (34-83-82; 3-85-82; 31-00-82.)

Section 82-5A-8. Signs.

All signs to designate a Residential Permit Parking District shall be erected by the County and shall be in conformance with the applicable Virginia Department of Highways and Transportation regulations and shall be of such design and character as to readily inform the operators of vehicles in Residential Permit Parking Districts of the existence, nature and requirements of the regulations pertaining to the particular District. All signs shall include at least the following information, from top to bottom of the sign, in the order listed below:

- (a) Restriction or prohibition;
- (b) Time of day the restriction or prohibition is applicable, if not at all hours;

- (c) The days of the week applicable, if not every day;
- (d) Indication that permit holders are exempt;
- (e) The number of the Residential Parking District. (34-83-82; 3-85-82.)

Section 82-5A-9. Parking restrictions.

- (a) On-street parking during specified hours in a Residential Permit Parking District shall be permitted only upon display of a valid parking permit or visitor pass; provided, however, that the parking limitations of this Article shall not apply to vehicles owned or leased by a public agency, marked service or delivery vehicles which are being used to provide services or make deliveries to dwellings within the designated District, vehicles with temporary license tags, or nonmotorized vehicles, such as trailers and boats.
- (b) In Residential Permit Parking Districts, the hours during which the regulations of this Article shall apply shall be as designated by the Board of Supervisors in adopting the District. (34-83-82; 3-85-82; 1-88-82; 31-00-82.)

Section 82-5A-10. Administration.

The provision of this Article shall be administered by the Department of Transportation.

- (a) Permits to allow parking during restricted hours of a Residential Permit Parking District shall be issued only in accordance with the provisions of Paragraph (b) below.
- (b) Said permits, in the form of decals, will be available from the Department of Transportation. Decals shall be issued for a period of up to two (2) years, one (1) per vehicle with the expiration date as set forth on the decal. Decals may be renewed for additional two-year periods in the manner prescribed herein.

Permits shall be applied for in person, by mail, or by electronic means in accordance with procedures established by the Department of Transportation, and shall be accompanied by proof of the applicant's residency in the District and proof of vehicle ownership or use of a vehicle for which the permit is requested.

- (1) Proof of residency shall consist of any one (1) of the following, provided it shows an address within the District:
 - (A) Virginia driver's license.
 - (B) Proof of payment of Fairfax County vehicle license.
- (2) Proof of residency shall also consist of, but not necessarily be limited to, any two (2) of the following, provided they both show an address within the District:
 - (A) Vehicle or personal property insurance policy.
 - (B) Proof of payment of a security deposit or paid rent receipt.
 - (C) Lease or mortgage documents.
 - (D) Virginia voter registration.
 - (E) Utility bill.

A new resident of a District may show only one (1) of the proofs of residency identified in subsection (b)(2) of this Section and be issued one (1) thirty-day nonrenewable new resident pass. Before expiration of same, the new resident shall comply with the provisions above in order to obtain a parking permit.

(3) Proof of vehicle ownership or use of a vehicle shall consist of one (1) of the following:

(A) Virginia vehicle registration.

(B) Proof of payment of Fairfax County vehicle license.

A new resident may show any current vehicle registration.

Any person on active duty in the military service, absent from his state of residence or domicile solely by reason of compliance with military orders, may comply with the provisions of this Paragraph (3) by showing a current military identification and a current vehicle registration.

Applications for renewal of permits shall be processed in the same manner as an original permit application, except that an applicant who has a valid Fairfax County vehicle license which shows that such applicant continues to be a resident at the same address of the Residential Permit Parking District, may renew his or her permit in accordance with the renewal procedures established by the Department of Transportation.

- (c) Decals shall be displayed in the lower left corner of the vehicle's rear window in such a way as to be clearly visible (see Section 82-5A-2(c) for proper display provisions). Visitor passes shall be displayed in such a way as to be entirely visible through the vehicle windshield (see Section 82-5A-2(e) for proper display provisions).
- (d) Individual district permits shall be identified by a different number. A valid permit for one (1) Residential Permit Parking District shall not entitle the permit holder to park in any other such District.
- (e) An individual who continues to reside at the same address of the Residential Permit Parking District, upon disposing of a vehicle with a permit decal, may obtain a new decal for a replacement vehicle upon presentation of a Virginia vehicle registration or Fairfax County vehicle license for the replacement vehicle.
- (f) Decals and visitor passes shall be removed from the vehicle upon moving from the District.
- (g) Decals and visitor passes shall remain the property of Fairfax County and may be revoked without notice and must be surrendered on demand by the County. (34-83-82; 3-85-82; 30-90-82; 30-95-82; 31-00-82.)

Section 82-5A-11. Visitor parking.

- (a) A transferable visitor parking pass shall be issued upon request in accordance with the provisions designated by the Board of Supervisors in adopting the District. Residents who continue to reside at the same address and do not have a valid Fairfax County vehicle license may renew their visitor parking pass at the time of pass expiration, provided the resident submits a properly completed application along with proof of residence as prescribed in Section 82-5A-10(b), in accordance with the renewal procedures established by the Department of Transportation.
- (b) Visitor passes shall not be issued to multifamily or townhouse addresses which have off-street parking lots provided. (34-83-82; 3-85-82; 17-85-82; 30-95-82; 31-00-82.)

Section 82-5A-12. Enforcement and penalties.

- (a) It shall be unlawful for any person to park a motor vehicle in violation of the provisions of this Article.
- (b) It shall be unlawful for any person to represent that they are entitled to a parking permit when they are not so entitled, to fail to destroy a permit to which they are no longer entitled, or to park a vehicle displaying such a permit at any time when the user of such permit is not entitled to it.

- (c) It shall be unlawful for any person to represent that they are entitled to a visitor pass when they are not so entitled or to park a vehicle displaying such a pass at any time when the user of such a pass is not entitled to it.
- (d) It shall be unlawful for any person entitled to a visitor pass to allow said pass to be used by anyone other than a person visiting a residence in the specified Residential Permit Parking District.
- (e) It shall be unlawful to improperly display Residential Permit Parking Decals/Passes pursuant to section 82-5A-2(c), (d) and (e). Failure to properly display decals/passes shall be punishable by a fine of Twenty-five Dollars (\$25.00).
- (f) Enforcement of Residential Permit Parking District regulations shall be under the jurisdiction of the Fairfax County Police Department, who shall issue citations against those persons who violate the provisions of this Article or the provisions of Appendix G.
- (g) Those convicted of violating Paragraphs (b), (c) or (d) or this Section shall be subject to a fine of One Hundred Dollars (\$100.00). Violation of any other provisions shall be punishable by a fine of Twenty-five Dollars (\$25.00). Vehicles parked in violation of these provisions may be towed at the owner's expense.
- (h) The Director, Department of Tax Administration, shall collect and account for all uncontested payments of parking citations penalties under this Article; and any contest by any person of any parking citation shall be certified by said Director in writing, on an appropriate form, to the Fairfax County General District Court.
- (i) The Director, Department of Tax Administration, shall enforce payment of delinquent parking citations.
- (j) The Fairfax County Police Department may waive the enforcement of Residential Permit Parking District for the purpose of providing parking for special events. Generally, this waiver shall be valid for one (1) day only. In addition, the Police Department and the Department of Transportation shall maintain temporary vehicle exemption passes as an alternative to the enforcement waiver. Temporary vehicle exemption passes are intended to enable discretionary authority on behalf of the Police Department and the Department of Transportation to allow vehicles to park within restricted areas on a temporary basis when justified by unique circumstances. (34-83-82; 3-85-82; 1-88-82; 31-00-82.)

ARTICLE 5B. Prohibition Against Parking Watercraft, Boat Trailers, Motor Homes, and Camping Trailers in Certain Areas

Section 82-5B-1. Definitions.

The following words and phrases when used in this Article shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Block means that land abutting on one side of a street, extending to the rear lot lines of lots fronting on said street, and for parcels of land extending through to another street, to a line midway between the two streets and lying between the two nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or unsubdivided acreage or centerline of any drainage channel thirty feet or more in width.

Boat trailer means any trailer that is designed to be drawn by a motor vehicle on a public highway and to carry one or more watercraft.

Camping trailers has the meaning set forth in Virginia Code § 46.2-100.

Director means the Director of the Fairfax County Department of Transportation or the designated agent of that Director.

Motor homes has the meaning set forth in Virginia Code § 46.2-100.

Residential area means that side of any street, road or highway adjacent to property used exclusively as a residence or contained in any one of the residential (R) districts set forth in the Zoning Ordinance, Chapter 112 of this Code.

Restricted Parking District means any district established by the Board of Supervisors pursuant to this Article for the purpose of restricting the parking of watercraft, boat trailers, motor homes, and camping trailers.

Watercraft means any vessel used or capable of being used for navigation or flotation on or through the water, but the term "watercraft" does not include any vessel that has been licensed to operate on public highways as a motor vehicle.

Section 82-5B-2. Restricted Parking District designation; exemption.

- (a) Restricted Parking Districts prohibiting or restricting the parking of watercraft, boat trailers, motor homes, and camping trailers may be created by the Board of Supervisors in accordance with the provisions of this Article. Any such Districts shall be adopted by ordinance, and violations of such ordinances shall be punishable as provided in Section 82-5B-7. Any such Districts, including the particular prohibitions or restrictions within each particular District, shall be set forth in Appendix M of this Code, and any such districts shall be identified by appropriate signage as described by Section 82-5B-6.
- (b) No such Restricted Parking District shall apply to the parking of watercraft, boat trailers, or motor homes that are temporarily parked on a public street within any such District for use by federal, state, or local public safety agencies to provide emergency services.

Section 82-5B-3. Criteria for the establishment or modification of Restricted Parking Districts.

- (a) All requests for the creation of a Restricted Parking District or the modification of an existing District that does not involve the changing of the boundaries shall be made in the form of a petition to the Board of Supervisors. All such petitions shall meet the following criteria:
 - (1) Any such petition shall state:
 - (i) Whether the petitioners seek to prohibit the parking of watercraft, boat trailers, motor homes and/or camping trailers; and
 - (ii) Whether the parking of any such devices should be restricted to a particular time of the day or week;
 - (2) Any such petition shall legibly state the names of each petitioner and the address, telephone number, and signature of each petitioner shall accompany each name;
 - (3) Any such petition shall contain the names and signatures of petitioners who represent at least seventy-five percent (75%) of the addresses or other real property within the proposed District;
 - (4) Any such petition shall include an area in which seventy-five percent (75%) of the land abutting each block within the proposed District is zoned, planned, or developed as a residential area; and
 - (5) The proposed District must contain the lesser of (i) a minimum of five blocks of both sides of the street (10 block faces) or (ii) any number of blocks that front on a minimum of 5,000 linear feet of street as measured by the centerline of each street within the proposed District.
- (b) All requests for the expansion or the contraction of the boundaries of an existing Restricted Parking District shall be made in the form of a petition to the Board. All such petitions shall meet the following criteria:

- (1) Any such petition shall legibly state the names of each petitioner, and the address, telephone number, and signature of each petitioner shall accompany each name;
 - (2) Any such petition shall contain the names and signatures of petitioners who represent at least seventy-five percent (75%) of the addresses or other real property within the proposed District; and
 - (3) Any such petition shall include an area in which seventy-five percent (75%) of the land abutting each block within the proposed District expansion is zoned, planned, or developed as a residential area.
- (c) All requests for the abolition of an existing Restricted Parking District shall be made in the form of a petition to the Board. All such petitions shall meet the criteria set forth in subsection A of this Section, mutatis mutandis.
- (d) A nonrefundable application fee shall accompany each request for the establishment, modification, or abolition of a Restricted Parking District. The application fee for any petition submitted in accordance with this Section shall be ten dollars for each property address within the proposed District.
- (e) The Board reserves the authority to approve, amend, or deny any petition for the creation, modification, or abolition of any Restricted Parking District, and the Board reserves the authority to waive the requirements set forth in the Section concerning the application fee and/or the size of a proposed District.

Section 82-5B-4. Submission requirements and procedures for the establishment of Restricted Parking Districts.

- (a) Every petition shall be submitted to the Director on forms provided by the County. Upon receipt of any such petition, the Director shall determine whether the petition meets the criteria set forth in Section 82-5B-3. If the petition does not meet those criteria, the Director shall return the petition to the petitioners. If any such petition meets the criteria, then the County Executive shall advise the Board of Supervisors of the petition. If the Board decides to consider the petition, then the petition will be considered as a proposed ordinance in accordance with the following procedure:
- (1) A public notice of the proposed ordinance shall be published in a local newspaper having general circulation within the County in accordance with Virginia Code § 15.2-1427.
 - (2) In addition to the notice specified in Paragraph (1) above, the Director shall cause the posting of notice of the proposed ordinance. Any such notice shall be removed no later than seven (7) days after the conclusion of the last hearing to which they pertain. Any such notice shall be posted at reasonable intervals along every street within the proposed District or along every street within the area proposed to be added or removed from an existing District. Any such notice shall contain the date, location and time of the public hearing, a description of the application, and such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained. With the permission of the owner, said notice may be placed on private property.
 - (3) The County shall send written notice to all owners of real property within the proposed District and in the areas adjacent thereto. In the areas adjacent thereto, notice shall be sent to the owners of a minimum of twenty-five (25) different properties. Such written notices shall set the date, time, place, and subject matter of the hearing and shall be sent by first-class mail, postmarked at least fourteen (14) days before the day of the hearing, to the last-known address of the owners as shown on the current real estate assessment book.

Section 82-5B-5. Adoption and effective date.

Upon approval by the Board of Supervisors of a Restricted Parking District or of a modification to an existing District, the prohibitions or restrictions of the District or the modifications to the requirements of any such District shall become effective following the placement of signs designating the prohibitions or restrictions on the streets within the District.

Section 82-5B-6. Signs.

All signs to designate a Restricted Parking District shall be erected by the County and shall be in conformance with the applicable Virginia Department of Transportation regulations and shall be of such design and character as to readily inform the operators of vehicles in Restricted Parking Districts of the existence, nature, and requirements of the regulations pertaining to the particular District. Signs shall include at least the following information: (a) Description of the restriction or prohibition; (b) Time of day the restriction or prohibition is applicable, if not at all hours; and (c) The days of the week applicable, if not every day.

Section 82-5B-7. Enforcement and penalties.

- (a) It shall be unlawful for any person to park a watercraft, boat trailer, motor home, or camping trailer in violation of any ordinance that establishes a Restricted Parking District. Enforcement of Restricted Parking District requirements shall be under the jurisdiction of the Fairfax County Police Department, and law enforcement officers of that Department shall issue citations against those persons who violate the provisions of this Article or the provisions of Appendix M. Any person convicted of violating any provision of this Article or Appendix M shall be subject to a fine of twenty-five dollars. Vehicles parked in violation of these provisions may be towed at the owner's expense.
- (b) (b) The Director of the Department of Finance shall collect and account for all uncontested payments of parking citation penalties under this Article; and any contest by any person of any parking citation shall be certified by said Director in writing, on an appropriate form, to the Fairfax County General District Court. The Director of the Department of Finance shall cause complaints, summons, or warrants to be issued for delinquent parking citations. (35-00-F)